

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRANDON M. D'HAENENS,

Plaintiffs,

vs.

FEDERAL NATIONAL MORTGAGE
ASSOCIATION, et al.,

Defendants.

Case No. 2:11-cv-01432-GMN-GWF

ORDER

Motion for Clarification for Decision
Dated December 2, 2011 (#27)

This matter comes before the Court on Plaintiff's Notice of Motion and Motion for Clarification for Decision Dated December 1, 2012 (#27), filed on December 19, 2011; Defendants' Opposition to Plaintiff's Motion for Clarification for Decision Dated December 1, 2011 (#28), filed on January 5, 2012; and Plaintiff's Reply to Response to Motion for Clarification (#29), filed on January 17, 2012.

Plaintiff is requesting that the Court clarify its Order (#25), which found Plaintiff's Motion to Compel (#22) improper and further ordered it be stricken from the docket.

In seeking clarification, Plaintiff reiterates the arguments he made in his Motion to Compel. The Court did not previously address the arguments set forth by Plaintiff in his Motion to Compel and will not address them here. The Court denied Plaintiff's motion because the motion was procedurally improper. Civil cases are governed by the Federal Rules of Civil Procedure and the Local Rules of Practice for the District of Nevada. The Rules mandate that a party must follow certain steps prior to bringing a motion to compel before the Court. Some of those steps include holding a Rule 26(f) conference, properly serving the discovery request on the opposing party and meeting and conferring with the party upon their failure to provide the requested documents. *See* Fed. R. Civ. P. 26, 33, 34, ...

1 and LR 26. Plaintiff's Motion to Compel failed to follow those steps and therefore the Court found that
2 it was procedurally improper and struck it from the docket.

3 Upon review of the docket, it appears that neither party has submitted a discovery plan and
4 scheduling order for the Court's review. LR 26-1 requires that within 30 days of the first defendant's
5 answer, the parties must schedule a Fed. R. Civ. P. 26(f) conference, and within 14 days after the 26(f)
6 conference, the parties must file a stipulated discovery plan and scheduling order with the Court.
7 Defendant's Motion to Dismiss (#4), filed on September 13, 2011, qualifies as the first answer filed.
8 The parties are therefore required to hold their 26(f) conference and submit a stipulated discovery plan
9 and scheduling order to the Court in accordance with LR 26-1. Accordingly,

10 **IT IS HEREBY ORDERED** that Plaintiff's Notice of Motion and Motion for Clarification for
11 Decision Dated December 1, 2011 (#27) is **granted**.

12 DATED this 20th day of January, 2012.

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15 GEORGE FOLEY, JR.
16 United States Magistrate Judge
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